

EXHIBIT I

FILE COPY

Jul 12 0

7/19

1 William B. Sullivan [CSB No. 171637]
2 Eric J. Palmer [CSB No. 231207]
3 **SULLIVAN & CHRISTIANI, LLP**
4 2330 Third Avenue
5 San Diego, California 92101
6 (619) 702-6760 * (619) 702-6761 FAX

7
8 Attorneys for Plaintiff KIMBERLY ALEKSICK

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF IMPERIAL**

12 KIMBERLY ALEKSICK, individually and
13 on behalf of other members of the general
14 public similarly situated,

15 Plaintiff,

16 v.

17 7-ELEVEN, INC., a Texas Corporation;
18 MICHAEL TUCKER, an individual; and
19 DOES 1-50, Inclusive,

20 Defendants

CASE NO. ECU03615

(CLASS ACTION)


NOTICE OF NO OPPOSITION TO
MOTION AND APPLICATION OF ERIC
A. WELTER TO APPEAR AS COUNSEL
PRO HAC VICE FOR DEFENDANT 7-
ELEVEN, INC.

21 TO THE COURT, ALL PARTIES HEREIN, AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE THAT Plaintiff KIMBERLY ALEKSICK does not oppose Defendant
23 7-ELEVEN, INC.'s Application for a Court Order to allow Virginia Attorney Eric A. Welter to appear
24 as counsel *pro hac vice* for Defendant 7-Eleven, Inc. in this action.

25 Dated: 7/19/07

SULLIVAN & CHRISTIANI, LLP

26 
27 William B. Sullivan,
28 Eric J. Palmer,
Attorneys for Plaintiff
KIMBERLY ALEKSICK

Notice of No Opposition

Z:\Data\6329\Filings\notice of no opposition to pro hac vice.wpd

10-Jul-2007 12:01 PM

2/3

SULLIVAN & CHRISTIANI, LLP
2330 Third Avenue
San Diego, California 92101
619-702-6760 fax 619-702-6761

KIMBERLY ALEKSICK vs. 7-ELEVEN, INC., et al.
IMPERIAL COUNTY SUPERIOR COURT
EL CENTRO COURTHOUSE
CASE NO. ECU03615
Declaration of Service
CCP Sections 1013(a) and 2015.5

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2330 Third Avenue, San Diego, California 92101.

On July 19, 2007, I served the following documents described as follows: **NOTICE OF NO OPPOSITION TO MOTION AND APPLICATION OF ERIC A. WELTER TO APPEAR AS COUNSEL PRO HAC VICE FOR DEFENDANT 7-ELEVEN, INC.** in this action by placing true copies thereof as follows:

☒ [X] by placing ☐ [] the original ☒ [X] a true copy thereof as follows:

☐ [] BY MAIL

☐ [] I deposited such envelope in the mail at San Diego, California. The envelope was mailed thereon with postage thereon fully prepaid.

☐ [] As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date for deposit for mailing in affidavit.

☒ [x] BY FACSIMILE TRANSMISSION. I transmitted said documents consisting of 3 (including this page) to the addressee(s) on the attached service list via facsimile. The transmission was reported as complete and without error.

☐ [] BY FEDERAL EXPRESS MAIL: I delivered said envelope to the Federal Express office located in San Diego, California to be delivered to the offices of the addressee...

☒ [X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 19, 2007, at San Diego, California.


Habib Hasbini

19-Jul-2007 12:01 PM

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KIMBERLY ALEKSICK vs. 7-ELEVEN, INC., et al.
IMPERIAL COUNTY SUPERIOR COURT
EL CENTRO COURTHOUSE
CASE NO. ECU03615
SERVICE LIST

Payne & Fears LLP
Eric C. Sohlgren, Esq.
Lindley P. Fraley, Esq.
4 Park Plaza, Suite 1100
Irvine, CA 92614
Tel: (949) 851-8500
Fax: (949) 851-1212
Attorney for Defendant
7-Eleven, Inc.

Welter Law Firm, P.C
Eric A. Welter, Virginia, Esq.
720 Lynn Street, Suite B
Herndon, VA 20170
Tel: (703) 435-8500
Fax: (703) 435-8851
Attorney for Defendant
7-Eleven, Inc.

Bacalski & Ottoson, LLP
Paul C. Johnson Jr. [CSB No. 189311]
402 W Broadway Fl 24
San Diego, CA 92101
Tel: (619) 239-4340
Fax: (619) 239-0116
Attorney for Defendant
Michael Tucker

EXHIBIT J

7/26
r 7:30

ECS
LPF
Laura

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 William B. Sullivan [CSB No. 171637]
 Eric J. Palmer [CSB No. 231207]
 SULLIVAN & CHRISTIANI, LLP
 2330 Third Ave., San Diego, CA 92101
 TELEPHONE NO.: (619) 702-6760 FAX NO. (Optional): (619) 702-6761
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): Plaintiff KIMBERLY ALEKSICK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL
 STREET ADDRESS: 939 West Main Street
 MAILING ADDRESS: 939 West Main Street
 CITY AND ZIP CODE: El Centro, 92243
 BRANCH NAME: Imperial County Courthouse

PLAINTIFF/PETITIONER: Kimberly Aleksick
 DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.

CASE MANAGEMENT STATEMENT

(Check one): ☒ **UNLIMITED CASE**
 (Amount demanded exceeds \$25,000) ☐ **LIMITED CASE**
 (Amount demanded is \$25,000 or less)

CASE NUMBER: ECU 03615

A CASE MANAGEMENT CONFERENCE is scheduled as follows:
 Date: August 14, 2007 Time: 8:30 a.m. Dept.: 7 Div.: Room:
 Address of court (if different from the address above):

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): Plaintiff KIMBERLY ALEKSICK
 - b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date):
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
 Plaintiff ALEKSICK has brought a Class Action complaint against defendants alleging violations of the California Labor Code and Business & Professions section 17200. Please also see Attachment 4a.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
- Plaintiff ALEKSICK was employed as a sales associate by both Defendant 7-ELEVEN, INC. and Defendant MICHAEL TUCKER. Plaintiff seeks damages for unpaid Overtime Compensation (Labor Code sec. 510); missed Meal/Rest Periods (Labor Code sec. 226.7); non-compliant itemized wage statements (Labor Code sec. 226); un-reimbursed business expenses (Labor Code sec. 2802); penalties (Labor Code sec. 203, 558, et seq.); statutory attorney's fees; interest; punitive damages; and injunctive relief pursuant to Business & Professions Code section 17200. Plaintiff will also seek penalties pursuant to Labor Code section 2699 against Defendant 7-Eleven, Inc. only.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial
The party or parties request ☒ a jury trial ☐ a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. Trial date
- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial
The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 8-10
- b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)
The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney: William B. Sullivan, Esq.
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference
☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)
- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☐ Mediation
 (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
 (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
 (4) ☐ Binding judicial arbitration
 (5) ☐ Binding private arbitration
 (6) ☐ Neutral case evaluation
 (7) ☒ Other (specify):

Plaintiff is amenable to non-binding mediation following resolution of class certification.

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
 f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
 b. Reservation of rights: ☐ Yes ☐ No
 c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
 (1) Name of case:
 (2) Name of court:
 (3) Case number:
 (4) Status:
☐ Additional cases are described in Attachment 14a.
 b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
 Motion for Summary Adjudication following discovery; Motion for Class Certification.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

Party	Description	Date
Plaintiff	Deposition of PMKs for 7-Eleven, Inc.	11/1/2007
Plaintiff	Deposition of Michael Tucker	11/1/2007
Plaintiff	Class Discovery	1/1/2008

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other Issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

Plaintiff will oppose 7-Eleven's request for a stay on merits discovery pending completion of class discovery

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☒ none ☐ attached as Attachment 21.

22. Total number of pages attached (*if any*): 1

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 25, 2007

Eric J. Palmer

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

Attachment 4a

Plaintiff recently received permission from the California Labor and Workforce Development Agency (LWDA) authorizing Plaintiff to file a claim under Labor Code section 2699. Accordingly, Plaintiff will be amending her Complaint to add a cause of action under section 2699, naming Defendant 7-Eleven, Inc. as both an "employer" and as a "person."

SULLIVAN & CHRISTIANI, LLP

2330 Third Avenue
San Diego, California 92101
619-702-6760 fax 619-702-6761

KIMBERLY ALEKSICK vs. 7-ELEVEN, INC., et al.
IMPERIAL COUNTY SUPERIOR COURT
EL CENTRO COURTHOUSE
CASE NO. ECU03615
Declaration of Service
CCP Sections 1013(a) and 2015.5

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 2330 Third Avenue, San Diego, California 92101.

On July 26, 2007, I served the following documents described as follows: **PLAINTIFF'S CASE MANAGEMENT STATEMENT** in this action by placing true copies thereof as follows:

☒ [X] by placing ☐ [] the original ☒ [X] a true copy thereof as follows:

☒ [X] BY MAIL

☐ [] I deposited such envelope in the mail at San Diego, California. The envelope was mailed thereon with postage thereon fully prepaid.


☐ [] As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business. I am aware that on the motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date for deposit for mailing in affidavit.

☐ [] BY FACSIMILE TRANSMISSION. I transmitted said documents consisting of 3 (including this page) to the addressee(s) on the attached service list via facsimile. The transmission was reported as complete and without error.

☐ [] BY FEDERAL EXPRESS MAIL: I delivered said envelope to the Federal Express office located in San Diego, California to be delivered to the offices of the addressee...

☒ [X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 26, 2007, at San Diego, California.


Maria Martinez

KIMBERLY ALEKSICK vs. 7-ELEVEN, INC., et al.
IMPERIAL COUNTY SUPERIOR COURT
EL CENTRO COURTHOUSE
CASE NO. ECU03615
SERVICE LIST

Payne & Fears LLP
Eric C. Sohlgren, Esq.
Lindley P. Fraley, Esq.
4 Park Plaza, Suite 1100
Irvine, CA 92614
Tel: (949) 851-8500
Fax: (949) 851-1212
Attorney for Defendant
7-Eleven, Inc.

Welter Law Firm, P.C
Eric A. Welter, Virginia, Esq.
720 Lynn Street, Suite B
Herndon, VA 20170
Tel: (703) 435-8500
Fax: (703) 435-8851
Attorney for Defendant
7-Eleven, Inc.

Bacalski & Ottoson, LLP
Paul C. Johnson Jr. [CSB No. 189311]
402 W Broadway Fl 24
San Diego, CA 92101
Tel: (619) 239-4340
Fax: (619) 239-0116
Attorney for Defendant
Michael Tucker

EXHIBIT K

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul C. Johnson, Jr. (SBN 189311) Bacalski, Ottoson & Dube, LLP 402 West Broadway, 24th Floor San Diego, CA 92101 TELEPHONE NO.: 619-239-4340 FAX NO. (Optional): 619-239-0116 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant, Michael Tucker		FOR COURT USE ONLY ECS LPF E. Welter Lawia
SUPERIOR COURT OF CALIFORNIA, COUNTY OF El Centro STREET ADDRESS: 939 Main Street MAILING ADDRESS: CITY AND ZIP CODE: El Centro, CA 92243 BRANCH NAME: Imperial County Courthouse		
PLAINTIFF/PETITIONER: Kimberly Aleksick DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		
		CASE NUMBER: BCU 03615

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: August 14, 2007 Time: 8:30 a.m. Dept.: 7 Div.: Room:

Address of court (if different from the address above):

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - ☒ This statement is submitted by party (name): Defendant, Michael Tucker
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date):
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - ☐ The following parties named in the complaint or cross-complaint
 - ☐ have not been served (specify names and explain why not):
 - ☐ have been served but have not appeared and have not been dismissed (specify names):
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
- Description of case
 - Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
 Class Action lawsuit alleging violations of the California Labor Code and Business & Professions Code section 17200.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*
 Plaintiff claims that she was not properly compensated for overtime, and not provided rest periods and meal periods; additionally that she did not receive proper pay stubs and was not reimbursed for uniform expenses.

Defendant Tucker denies each and every allegation, and further alleges that plaintiff is not a proper class representative or proper representative for the section 17200 action.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☒ a jury trial ☐ a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 8-10 days

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

e. Fax number:

f. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

a. Counsel ☐ has ☒ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.

b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):

c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):
- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 14a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
- Motion to dismiss 17200 cause of action.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

Party	Description	Date
Defendant Michael Tucker	Deposition of Plaintiff	11/01/2007
Defendant Michael Tucker	Written discovery	11/30/2007

(Dates are dependent on court's determination of
class certification issues.)

- c. ☒ The following discovery issues are anticipated (*specify*): Defendant Michael Tucker will request that merits discovery be stayed pending resolution of class certification issues.

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☒ none ☐ attached as Attachment 21.

22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: July 31, 2007

Paul C. Johnson, Jr., Esq.
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): A. Daniel Bacalski (SBN 56488) Paul C. Johnson, Jr. (SBN 189311) BACALSKI, OTTOSON & DUBE, LLP 402 West Broadway, 24th Floor San Diego, CA 92112-0270 ATTORNEY FOR: Defendant, Michael Tucker		TELEPHONE NO.: (619) 239-4340 (619) 239-0116	COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL			
PLAINTIFF(S): KIMBERLY ALEKSICK		JUDGE: YEAGER DEPT.: 7	
DEFENDANT(S): 7-ELEVEN, INC., et al.		DATE: August 14, 2007 TIME: 8:30 a.m.	
PROOF OF SERVICE		CASE NUMBER: ECU 03615	

I declare that: I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, State of California, where the mailing occurs; and my business address is 402 West Broadway, 24th Floor, P.O. Box 120270, San Diego, California 92112-0270.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. I caused to be served the following document(s):

DEFENDANT MICHAEL TUCKER'S CASE MANAGEMENT STATEMENT

by placing a copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

Counsel for Plaintiff, KIMBERLY ALEKSICK: WILLIAM B. Sullivan, Esq. SULLIVAN & CHRISTIANI, LLP 2330 Third Avenue San Diego, CA 92101 (619) 702-6760 Fax: (619) 702-6761	Counsel for Defendant, 7-ELEVEN, INC.: Eric C. Sohlgren, Esq. Laurel E. Adcock, Esq. PAYNE & FEARS, LLP 4 Park Plaza Suite 1100 Irvine, CA 92614 (949) 851-1100 - Fax: (949) 851-1212
Co-Counsel for Defendant, 7-ELEVEN: Eric A. Welter, Esq. WELTER LAW FIRM, P.C. 720 Lynn Street, Suite "B" Herndon, VA 20170 (703) 435-8500 Fax: (703) 435-8851	

☒ **BY MAIL** by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing documents for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day in a sealed envelope with postage thereon fully prepaid at San Diego, California in the ordinary course of a business day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on July 31, 2007, at San Diego, California.


 Roxanne C. Furlong

EXHIBIT L

ECS
LRF
E. Wetter
Laura

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

ENDORSED
FILED AUG 01 2007
JOSE O. GUILLEN
DEPUTY

Kimberly Aleksick
Plaintiff/Petitioner,

vs.

7-eleven Inc et al
Defendant/Respondent.

Case No. ECU03615

Notice of: Continued

☐ Setting Conference

☐ Settlement Conference

☐ Trial ☐ Court ☐ Jury

☒ Hearing

To: All Parties Listed Below

You are notified that the following proceedings will be held in this court as follows:

Motion Hearing: Pro Hic Vice August 23, 2007 at 8:30 am in El Centro Dept. 7

Counsel is requested to advise the court of any counsel of record whose name does not appear below.

Date: August 1, 2007

JOSE O. GUILLEN, COURT EXECUTIVE OFFICER

By:


Deborah Grooms, Deputy Clerk

Declaration of Mailing

State of California, County of Imperial

I, the undersigned, certify under penalty of perjury, that I am a Deputy Clerk of the above entitled Court and not a party to the within action; that I mailed a true and correct copy of the above notice to each of the persons listed below, by depositing such notice in the United States Mail, enclosed in sealed envelopes with postage prepaid:

William Sullivan
2330 Third Ave
San Diego, CA 92101

Eric Sohlgren
4 Park Plaza 1100
Irvine, CA 92614

Alexander Bacalski
P.O.Box 120270
San Diego, CA 92112-0270

Date: August 1, 2007

JOSE O. GUILLEN, COURT EXECUTIVE OFFICER

By:


Deborah Grooms, Deputy Clerk

EXHIBIT M

08/09/2007 13:27 17145411978

FIRST LEGAL

PAGE 07/10

ENDORSED
AUG 09 2007

SUPERIOR COURT
IMPERIAL COUNTY
JOSE O. GUILLEN, CLERK
BY SECKY GUERRERO

PAYNE & FEARS LLP
ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

1 PAYNE & FEARS LLP
Eric C. Sohlgren, Bar No. 161710
2 Lindley P. Fraley, Bar No. 223421
4 Park Plaza, Suite 1100
3 Irvine, CA 92614
Telephone: (949) 851-1100
4 Facsimile: (949) 851-1212

5 WELTER LAW FIRM, P.C.
Eric A. Welter, Virginia Bar No. 38193
6 720 Lynn Street, Suite B
Herndon, VA 20170
7 Telephone: (703) 435-8500
Facsimile: (703) 435-8851

8 Attorneys for Defendant
9 7-Eleven, Inc.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF IMPERIAL**

12
13 **KIMBERLY ALEKSICK,**

14 **Plaintiff,**

15 **v.**

16 **7-ELEVEN, INC.; MICHAEL TUCKER; and**
17 **DOES 1-50, Inclusive,**

18 **Defendants.**
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CASE NO. ECU03615

Assigned for all purposes to the
Hon. Christopher W. Yeager

**DEFENDANTS NOTICE OF INTENT
TO APPEAR BY TELEPHONE AT
PRO HAC VICE HEARING**

Hearing Date: August 23, 2007
Time: 8:30 a.m.
Department: 7

Date Action Filed: April 16, 2007
Trial Date: None set

NOTICE OF INTENT TO APPEAR BY TELEPHONE AT PRO HAC VICE HEARING

1 **TO THE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** pursuant to Local Rule 330 and California Rule of
3 Court 298, Defendant 7-ELEVEN, INC. hereby provides notification of intent to appear by
4 telephone, by and through their counsel of record, Lindley Fraley of Payne & Fears LLP, at the
5 Case Management Conference scheduled in the above-captioned matter on August 23, 2007 at
6 8:30 a.m. in Department 7 of the above-entitled Court.

7
8 DATED: August 8, 2007

PAYNE & FEARS LLP

9
10 By: Lindley P. Fraley
 LINDLEY P. FRALEY

11 Attorneys for Defendant
12 7-ELEVEN, INC.

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

08/09/2007 13:27

17145411978

FIRST LEGAL

PAGE 09/18

ENDORSED

AUG 09 2007

PROOF OF SERVICE*Alesick vs. 7-Eleven, Inc.*
*Case No. ECU03615*SUPERIOR COURT
IMPERIAL COUNTY
JOSE O. GUILLEN, CLERK
BY BECKY GUERRERO
FBI

STATE OF CALIFORNIA, COUNTY OF ORANGE


I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On August 8, 2007, I served the following document(s) described as **DEFENDANTS NOTICE OF INTENT TO APPEAR BY TELEPHONE AT PRO HAC VICE HEARING** on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

SEE ATTACHED SERVICE LIST

- ☒ (BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.
- ☐ (By Personal Service) I delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), calling for agreement and written confirmation of that agreement or court order, to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.
- ☐ (By Overnight Courier) served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By E-Mail) I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).
- ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 8, 2007, at Irvine, California.


LAURA NIEDRINGHAUS

PROOF OF SERVICE

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

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SERVICE LIST

William B. Sullivan, Esq.
SULLIVAN & CHRISTIANI, LLP
2330 Third Avenue
San Diego, CA 92101
Tel: (619) 702-6760
Fax: (619) 702-6761

Attorneys For Plaintiff
KIMBERLY ALEKSICK

Eric A. Welter, Esq.
WELTER LAW FIRM, P.C.
720 Lynn St., Suite B
Herndon, Virginia 20170
Tel: (703) 435-8500
Fax: (703) 435-8851

Attorneys for Defendant
7-ELEVEN, INC.

Paul C. Johnson Jr.
Bacalski & Ottoson, LLP
402 W. Broadway, Fl. 24
San Diego, CA 92101
Tel: (619) 239-4340
Fax: (619) 239-0116

Attorneys for Defendant
Michael Tucker

365308.1

Attorney Appearing: Lindley Fraley Payne & Fears, LLP Tel No: 949-851-1100 Fax No: 949-851-1212 Representing: Defendant(s), 7/11 Inc	Calendar Status Your CourtCall Appearance has been confirmed for Judge Christopher W. Yeager, Dept. 7 at 8:30 AM on Thursday, August 23rd, 2007 At five minutes prior to the above time, dial (888) 287-2973 and dial access code 6220891#
<h2 style="margin: 0;">CONFIRMATION</h2>	
Imperial County Superior Court	
Case Name Kimberly Alcksick vs. 7/11 Inc Case Number ECU03615 Nature of hearing: Case Management Conference CourtCall ID# 1841846 (not access code)	Be prompt, or your case may be heard without you! If you encounter any problems or if the Court has not joined the call within 15 minutes, remain on your teleconference and have a staff member call CourtCall, LLC at (310)342-0888 or 1(888)88 COURT.

Mandatory Instructions For Making A CourtCall® Appearance

1. IT IS COUNSEL'S RESPONSIBILITY TO DIAL INTO THE CONFERENCE AT LEAST FIVE MINUTES PRIOR TO THE SCHEDULED APPEARANCE TIME. COURTCALL DOES NOT CALL COUNSEL! If you are unavoidably late and the Court is already in session, you must wait for an appropriate moment to announce yourself. Do not interrupt the Judge.

NEVER PLACE THE CONFERENCE ON HOLD. CELLULAR AND PAYPHONES ARE STRICTLY PROHIBITED.

2. When speaking with the Court, always talk directly into the handset and state your name clearly each time you speak. **DO NOT USE YOUR SPEAKERPHONE** as it may compromise the quality of the call for ALL participants, including the Court.

3. When you place your call, you must be in a **QUIET AREA**. Give the Court your absolute undivided attention. All background noise must be eliminated (i.e. cell phones, pagers, intercoms, typing, paper shuffling, dogs barking, babies crying, etc.) Your attention must be focused solely on the Court and you should refrain from making any unnecessary noise or engaging in conversations with others. Disruptions on the conference line will not be tolerated by the Court.

4. Once you have dialed into the conference you may be checked in by an operator or a clerk, alternatively, you may not be addressed until the Court calls your specific case. Listen carefully to the Court proceedings as the Court may make general observations applicable to all matters which will not be repeated.

***** The Court expects you to act professionally and failure to adhere to these instructions may result in the termination of your call or the entire conference, sanctions for a non-appearance or an order for counsel to appear in Court at the next session or such other consequences the Court deems appropriate, as well as withdrawing the privilege of appearing telephonically in the future. *****

Continuances - It is counsel's responsibility to notify CourtCall, in writing, of any continuance prior to the scheduled hearing date to have your fee apply to the continued hearing as the Court will not notify CourtCall of any continuance of your matter. Matters continued at the time of the hearing require a new form and a new fee for the continued date.

Cancellations - To cancel a CourtCall Appearance, fax a copy of your Confirmation marked "Canceled" to 310-743-1850, prior to the scheduled appearance date. CourtCall does not accept verbal cancellations.

Stop writing checks or tracking credit card charges, open a CourtCall debit account and receive a monthly ledger identifying each CourtCall Appearance. Please call our office for details. Our address is CourtCall LLC, 6383 Arizona Circle, Los Angeles, CA 90045.

Melanie Alvarez

CONFIRMATION FOR COURTCALL® TELEPHONIC APPEARANCE

Our Tax ID# 95-4568415

EXHIBIT N

8/23

SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL	FOR COURT USE ONLY
Plaintiff/Petitioner: Kimberly Aleksick Defendant/Respondent: 7-Eleven Inc, et al.	FILED AUG 23 2007 SUPERIOR COURT IMPERIAL COUNTY, CA JOSE O. SERRANO, CLERK BY <i>[Signature]</i> DEPUTY
CASE MANAGEMENT ORDER	CASE NO. ECU03615

The court has reviewed the case management statement(s) of ☐ Plaintiff(s) ☐ Defendant(s)
☐ Cross-complainant(s) ☐ Cross-defendant(s) ☐ Other: _____

The Court orders/finds:

- ☐ The case management conference scheduled herein is vacated.
☐ The case management conference was held on _____.
☒ The case management conference is continued to 09/25/2007 at 8:30am in Department 7.

☐ CASE DESIGNATION:

- ☐ The court finds that the case is amenable to disposition within ☐ 12 months ☐ 18 months ☐ 24 months of the filing of the Complaint.
☐ The court finds that the case is exempt from differential case management pursuant to California Rules of Court, Rule 209(d).

☐ ARBITRATION:

- ☐ The court finds that the case is amenable to arbitration. The case is referred to arbitration, with arbitration to be completed by _____.
☐ The court finds the case to be exempt from arbitration.

☐ TRIAL:

- ☐ The matter is set for a ☐ jury ☐ court trial on _____. A jury trial is demanded by ☐ plaintiff(s) ☐ defendant(s) ☐ Other: _____.
☐ A Settlement Conference shall be held on _____.
☐ A Trial Management Conference is set for _____.
☐ The case is not ready to be set for trial because:
☐ All parties have not appeared or been defaulted.
☐ Other: _____

☐ Other: _____

IT IS SO ORDERED.

Dated: 8-23-07 : *[Signature]*
 JUDGE OF THE SUPERIOR COURT

Declaration of Mailing

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)

I am a citizen of the United States over the age of 18 years, a resident of Imperial County and not a party to the within action. My business address is:

**SUPERIOR COURT, COUNTY OF IMPERIAL
939 WEST MAIN STREET
EL CENTRO, CA 92243**

On August 23, 2007, I served a copy of the attached: Case Management Order by placing a true copy thereof enclosed in a sealed envelope with postage fully paid thereon, in the United States mail at El Centro, California, addressed as follows:

William B. Sullivan, Esq.
2330 Third Avenue
San Diego, CA 92101

Paul C. Johnson, Jr., Esq.
402 West Broadway
24th Floor
San Diego, CA 92101

Lindley P. Fraley, Esq.
4 Park Plaza
Suite 1100
Irvine, CA 92614

Eric A. Welter, Esq.
720 Lynn Street
Suite B
Herndon, VA 20170

I declare under penalty of perjury that the foregoing is true and correct. Executed at El Centro, California on August 23, 2007.

Jose O. Guillen, Court Executive Officer



Regina Osuna, Deputy Clerk

EXHIBIT O

2/2

SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL	FOR COURT USE ONLY
Plaintiff/Petitioner: Kimberly Aleksick Defendant/Respondent: 7-Eleven Inc, et al.	FILED AUG 23 2007 SUPERIOR COURT IMPERIAL COUNTY, CA. JORGE S. VELAZQUEZ, CLERK BY <i>[Signature]</i> DEPUTY
CASE MANAGEMENT ORDER	CASE NO. ECU03615

The court has reviewed the case management statement(s) of ☐ Plaintiff(s) ☐ Defendant(s)
☐ Cross-complainant(s) ☐ Cross-defendant(s) ☐ Other: _____

The Court orders/finds:

- ☐ The case management conference scheduled herein is vacated.
☐ The case management conference was held on _____.
☒ The case management conference is continued to 09/25/2007 at 8:30am in Department 7.

☐ **CASE DESIGNATION:**

- ☐ The court finds that the case is amenable to disposition within ☐ 12 months ☐ 18 months ☐ 24 months of the filing of the Complaint.
☐ The court finds that the case is exempt from differential case management pursuant to California Rules of Court, Rule 209(d).

☐ **ARBITRATION:**

- ☐ The court finds that the case is amenable to arbitration. The case is referred to arbitration, with arbitration to be completed by _____.
☐ The court finds the case to be exempt from arbitration.

☐ **TRIAL:**

- ☐ The matter is set for a ☐ jury ☐ court trial on _____. A jury trial is demanded by ☐ plaintiff(s) ☐ defendant(s) ☐ Other: _____.
☐ A Settlement Conference shall be held on _____.
☐ A Trial Management Conference is set for _____.
☐ The case is not ready to be set for trial because:
☐ All parties have not appeared or been defaulted.
☐ Other: _____

☐ Other: _____

IT IS SO ORDERED.

Dated: 8-23-07 *[Signature]*
 JUDGE OF THE SUPERIOR COURT

Declaration of Mailing

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)

I am a citizen of the United States over the age of 18 years, a resident of Imperial County and not a party to the within action. My business address is:

**SUPERIOR COURT, COUNTY OF IMPERIAL
939 WEST MAIN STREET
EL CENTRO, CA 92243**

On August 23, 2007, I served a copy of the attached: Case Management Order by placing a true copy thereof enclosed in a sealed envelope with postage fully paid thereon, in the United States mail at El Centro, California, addressed as follows:

William B. Sullivan, Esq.
2330 Third Avenue
San Diego, CA 92101

Paul C. Johnson, Jr., Esq.
402 West Broadway
24th Floor
San Diego, CA 92101

Lindley P. Fraley, Esq.
4 Park Plaza
Suite 1100
Irvine, CA 92614

Eric A. Welter, Esq.
720 Lynn Street
Suite B
Herndon, VA 20170

I declare under penalty of perjury that the foregoing is true and correct. Executed at El Centro, California on August 23, 2007.

Jose G. Guillen, Court Executive Officer



Regina Osuna, Deputy Clerk

EXHIBIT P

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

PAYNE & FEARS LLP
Attorneys at Law
Eric C. Sohlgren, Bar No. 161710
Lindley P. Fraley, Bar No. 223421
4 Park Plaza, Suite 1100
Irvine, CA 92614
Telephone: (949) 851-1100
Facsimile: (949) 851-1212

WELTER LAW FIRM, P.C.
Eric A. Welter, Virginia Bar No. 38193
720 Lynn Street, Suite B
Herndon, Virginia 20170
Telephone: 703-435-8500
Facsimile: 703-435-8851

Attorneys for Defendant
7-ELEVEN, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF IMPERIAL

KIMBERLY ALEKSICK, individually and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

7-ELEVEN, INC., a Texas Corporation;
MICHAEL TUCKER; an individual; and DOES
1-50, Inclusive.,

Defendants.

CASE NO. ECU03615

Assigned for All Purposes to:
Hon. Christopher W. Yeager, Department 7

**NOTICE OF CLASS ACTION CASE
CONFERENCE**

Date: September 25, 2007
Time: 8:30 a.m.
Location: Dept. 7

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Court will hold a case conference pursuant to California
Civil Rule 3.762 on September 25, 2007, at 8:30 a.m., in Department 7, of the Imperial County
Superior Court. The issues to be discussed at the conference include:

- (1) The scope of discovery.
- (2) The schedule for discovery.
- (3) Whether discovery should be bifurcated between class certification and merits
discovery.

1 (4) Setting the date for a subsequent case management conference.

2
3 DATED:

PAYNE & FEARS LLP

4
5 By: Lindley Fraley /ln
6 LINDLEY P. FRALEY

7 Attorneys for Defendant
8 7-ELEVEN, Inc. a corporation
9
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PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

PROOF OF SERVICE

Alesick vs. 7-Eleven, Inc.
Case No. ECU03615

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On August 31, 2007, I served the following document(s) described as **NOTICE OF CLASS ACTION CASE CONFERENCE** on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

SEE ATTACHED SERVICE LIST

- ☒ (BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.
- ☐ (By Personal Service) I delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), calling for agreement and written confirmation of that agreement or court order, to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.
- ☐ (By Overnight Courier) served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By E-Mail) I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).
- ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 31, 2007, at Irvine, California.


LAURA NIEDRINGHAUS

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

SERVICE LIST

William B. Sullivan, Esq.
SULLIVAN & CHRISTIANI, LLP
2330 Third Avenue
San Diego, CA 92101
Tel: (619) 702-6760
Fax: (619) 702-6761

Attorneys For Plaintiff
KIMBERLY ALEKSICK

Eric A. Welter, Esq.
WELTER LAW FIRM, P.C.
720 Lynn St., Suite B
Herndon, Virginia 20170
Tel: (703) 435-8500
Fax: (703) 435-8851

Attorneys for Defendant
7-ELEVEN, INC.

Paul C. Johnson Jr.
Bacalski & Ottoson, LLP
402 W. Broadway, Fl. 24
San Diego, CA 92101
Tel: (619) 239-4340
Fax: (619) 239-0116

Attorneys for Defendant
Michael Tucker

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

354893.1

EXHIBIT Q

ECS
LRF
E. Wehler
Laura

1 A. Daniel Bacalski, Jr. (SBN 56488)
2 Paul C. Johnson, Jr. (SBN 189311)
3 **BACALSKI, OTTOSON & DUBÉ LLP**
4 402 West Broadway, 24th Floor
5 Post Office Box 120270
6 San Diego, CA 92112-0270
7 (619) 239-4340/FAX: (619) 239-0116

8 Attorneys for Defendant:
9 MICHAEL TUCKER

10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF IMPERIAL - EL CENTRO**

12 KIMBERLEY ALEKSICK, et al.,
13 Plaintiffs,

14 v.

15 7-ELEVEN, INC., et al.,

16 Defendants.

) CASE NO. ECU 03615

) NOTICE OF CHANGE OF FIRM NAME

) Judge: Hon. Christopher W. Yeager

) Dept.: 7

) Comp. Filed: 4-16-07

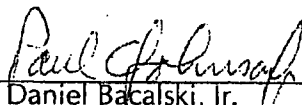
17 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

18 **PLEASE TAKE NOTE THAT** Bacalski & Ottoson, LLP has changed its name to Bacalski,
19 Ottoson & Dubé LLP. The address, telephone number and fax number will remain the same.
20 Please update your service lists accordingly.

21
22 Dated: September 6, 2007

BACALSKI, OTTOSON & DUBÉ LLP

23
24
25 BY:


A. Daniel Bacalski, Jr.
Paul C. Johnson, Jr.
Attorneys for MICHAEL TUCKER

26
27
28 K:\ALEKSICK V. TUCKER\PLEADINGS\Notice of Change of Firm Name.wpd

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): A. Daniel Bacalski, Jr. (SBN 56488) Paul C. Johnson, Jr. (SBN 189311) BACALSKI, OTTOSON & DUBÉ LLP 402 West Broadway, 24th Floor San Diego, CA 92112-0270 ATTORNEY FOR: Defendant, Michael Tucker		TELEPHONE NO.: (619) 239-4340 (619) 239-0116	COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL			
PLAINTIFF(S): KIMBERLY ALEKSICK		JUDGE: YEAGER DEPT.: 7	
DEFENDANT(S): 7-ELEVEN, INC., et al.		DATE: TIME:	
PROOF OF SERVICE		CASE NUMBER: ECU 03615	

I declare that: I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, State of California, where the mailing occurs; and my business address is 402 West Broadway, 24th Floor, P.O. Box 120270, San Diego, California 92112-0270.

I further declare that I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. I caused to be served the following document(s):

NOTICE OF CHANGE OF FIRM NAME

by placing a copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

Counsel for Plaintiff, KIMBERLY ALEKSICK: William B. Sullivan, Esq. SULLIVAN & CHRISTIANI, LLP 2330 Third Avenue San Diego, CA 92101 (619) 702-6760 Fax: (619) 702-6761	Counsel for Defendant, 7-ELEVEN, INC.: Eric C. Sohlgren, Esq. Laurel E. Adcock, Esq. PAYNE & FEARS, LLP 4 Park Plaza Suite 1100 Irvine, CA 92614 (949) 851-1100 Fax: (949) 851-1212
Co-Counsel for Defendant, 7-ELEVEN: Eric A. Welter, Esq. WELTER LAW FIRM, P.C. 720 Lynn Street, Suite "B" Herndon, VA 20170 (703) 435-8500 Fax: (703) 435-8851	

☒ **BY MAIL** by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing documents for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day in a sealed envelope with postage thereon fully prepaid at San Diego, California in the ordinary course of a business day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 12, 2007, at San Diego, California.



 Marsha L. Johnson

EXHIBIT R

09/12/2007 13:57 17145411978

FIRST LEGAL

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric C. Sohlgren, State Bar No. 161710 Lindley P. Fraley, State Bar No. 223421 Payne & Pears LLP 4 Park Plaza, Suite 1100 Irvine, CA 92614 TELEPHONE NO.: (949) 851-1100 FAX NO. (Optional): (949) 851-1212 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): 7-Eleven, Inc. SUPERIOR COURT OF CALIFORNIA, COUNTY OF Imperial STREET ADDRESS: 939 West Main Street MAILING ADDRESS: CITY AND ZIP CODE: El Centro, 92243 BRANCH NAME: Imperial County Courthouse PLAINTIFF/PETITIONER: Kimberly Aleksak DEFENDANT/RESPONDENT: 7-Eleven, Inc.		FOR COURT USE ONLY CM-110 <div style="font-size: 2em; font-weight: bold; text-align: center;">ENDORSED</div> <div style="text-align: center;">SEP 12 2007</div> SUPERIOR COURT IMPERIAL COUNTY JOSE O. GUILLEN, CLERK BY BECKY GUERRERO
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: ECU03615
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: September 25, 2007 Time: 8:30 a.m. Dept.: 7 Div.: Room: Address of court (if different from the address above):		

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - ☒ This statement is submitted by party (name): Defendant 7-Eleven, Inc..
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date):
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - ☐ The following parties named in the complaint or cross-complaint
 - ☐ have not been served (specify names and explain why not):
 - ☐ have been served but have not appeared and have not been dismissed (specify names):
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
- Description of case
 - Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
 Plaintiff seeks recovery for: (1) violation of Labor Code (class action) and (2) violation of Business and Professions Code Section 17200 (class action).

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc.	ECU03615

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff claims she was not properly compensated for overtime and not provided rest periods and meal periods; Plaintiff also alleges that she did not receive proper pay stubs and was not reimbursed for uniform expenses. 7-Eleven denies the allegations of the complaint. 7-Eleven was not Plaintiff's employer; Plaintiff was employed by Michael Tucker, a 7-Eleven franchisee.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☒ a jury trial ☐ a nonjury trial (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (If not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 8-10 days
- b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☐ by the attorney or party listed in the caption ☒ by the following:

- a. Attorney: Eric A. Welter
- b. Firm: Welter Law Firm, P.C.
- c. Address: 720 Lynn Street, Suite B, Herndon, VA 20170
- d. Telephone number: 703-435-8500
- e. Fax number: 703-435-8851
- f. E-mail address: eaw@welterlaw.com
- g. Party represented: 7-Eleven, Inc.

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel ☐ has ☒ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc.	ECU03615

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
(2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
(3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
(4) ☐ Binding judicial arbitration
(5) ☐ Binding private arbitration
(6) ☐ Neutral case evaluation
(7) ☐ Other (specify):

e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

a. ☐ Insurance carrier, if any, for party filing this statement (name):b. Reservation of rights: ☐ Yes ☐ Noc. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

a. ☐ There are companion, underlying, or related cases.

- (1) Name of case:
(2) Name of court:
(3) Case number:
(4) Status:

☐ Additional cases are described in Attachment 14a.b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Motion for summary adjudication and/or summary judgment as to 7-Eleven's liability to Plaintiff.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc.	ECU03615

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------------------|------------------|
| 7-Eleven | Deposition of Plaintiff | Nov. - Dec. 2007 |
| 7-Eleven | Written Discovery to Plaintiff | Oct. - Nov. 2007 |
- c. ☒ The following discovery issues are anticipated (*specify*):
Bifurcation of merits and case discovery; scope of discovery.

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☒ none ☐ attached as Attachment 21.

22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: September 12, 2007

Lindley P. Fraley

(TYPE OR PRINT NAME)

▶ Lindley P. Fraley
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

09/12/2007 13:57

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PAGE 06/07

ENDORSED
SEP 12 2007

PROOF OF SERVICE

Alesick vs. 7-Eleven, Inc.
Case No. ECU03615

SUPERIOR COURT
IMPERIAL COUNTY
JOSE O. GUILLEN, CLERK
BY BECKY GUERRERO

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On September 12, 2007, I served the following document(s) described as **CASE MANAGEMENT STATEMENT** on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

SEE ATTACHED SERVICE LIST

- ☐ (BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.
- ☒ (By Personal Service) I caused to be delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), calling for agreement and written confirmation of that agreement or court order, to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.
- ☐ (By Overnight Courier) served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.
- ☐ (By E-Mail) I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).
- ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 12, 2007, at Irvine, California.

Laura Niedringhaus
LAURA NIEDRINGHAUS

PROOF OF SERVICE

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 651-1100

PROOF OF SERVICE*Alesick vs. 7-Eleven, Inc.**Case No. ECU03615*

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On September 12, 2007, I served the following document(s) described as **CASE MANAGEMENT STATEMENT** on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

SEE ATTACHED SERVICE LIST

☐ (BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.

☒ (By Personal Service) I caused to be delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.

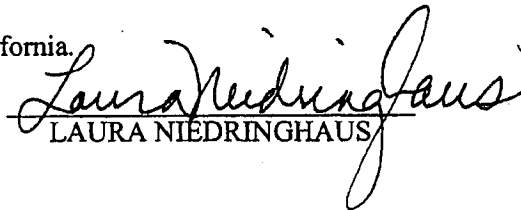
☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), calling for agreement and written confirmation of that agreement or court order, to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.

☐ (By Overnight Courier) served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.

☐ (By E-Mail) I transmitted a copy of the foregoing documents(s) via e-mail to the addressee(s).

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 12, 2007, at Irvine, California.


LAURA NIEDRINGHAUS

SERVICE LIST

William B. Sullivan, Esq.
SULLIVAN & CHRISTIANI, LLP
2330 Third Avenue
San Diego, CA 92101
Tel: (619) 702-6760
Fax: (619) 702-6761

Attorneys For Plaintiff
KIMBERLY ALEKSICK

Eric A. Welter, Esq.
WELTER LAW FIRM, P.C.
720 Lynn St., Suite B
Herndon, Virginia 20170
Tel: (703) 435-8500
Fax: (703) 435-8851

Attorneys for Defendant
7-ELEVEN, INC.

Paul C. Johnson Jr.
Bacalski & Ottoson, LLP
402 W. Broadway, Fl. 24
San Diego, CA 92101
Tel: (619) 239-4340
Fax: (619) 239-0116

Attorneys for Defendant
Michael Tucker

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

365308.1

EXHIBIT S

07/11/2007 22:34

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ASAP CORPORATE SVCS

PAGE 18

FILED

SEP 12 2007

SUPERIOR COURT
IMPERIAL COUNTY CA.
JOSE O. GUILLEN, CLERK
BY *[Signature]* DEPUTY
LYDIA ANTUNEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL**

KIMBERLY ALEKSICK,

Plaintiff,

v.

**7-ELEVEN, INC.; MICHAEL TUCKER; and
DOES 1-50, Inclusive,**

Defendants.

CASE NO. ECU03615

Assigned for all purposes to the Hon.
Christopher W. Yeager

**[PROPOSED] ORDER GRANTING
APPLICATION OF ERIC A. WELTER
TO APPEAR AS COUNSEL *PRO HAC*
*VICE***

Hearing Date: August 10, 2007
Time: 8:30 a.m.
Department: 7

Date Action Filed: April 16, 2007
Trial Date: None set

The Application of Eric A. Welter for Admission *Pro Hac Vice* as co-counsel for defendant 7-Eleven, Inc. was heard on August 10, 2007 at 8:30 a.m. in Department 7 of the above-entitled Court, the Honorable Christopher W. Yeager presiding. 7-Eleven, Inc. appeared by counsel Lindley P. Fraley of Payne & Fears, LLP.

[PROPOSED] ORDER GRANTING APP. OF ERIC A. WELTER TO APPEAR *PRO HAC VICE*

ORIGINAL

07/11/2007 22:34

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ASAP CORPORATE SVCS

PAGE 19

1 GOOD CAUSE APPEARING THEREFOR, the Court orders as follows:

2
3 The Application of Eric A. Welter to be admitted *Pro Hac Vice* in this action is
4 GRANTED.

5
6 DATED: 9-12-07


JUDGE OF THE SUPERIOR COURT

7
8 PREPARED BY:

9
10 PAYNE & FEARS LLP
11 Eric C. Sohlgren, Bar No. 161710
12 Lindley P. Fraley, Bar No. 223421
13 4 Park Plaza, Suite 1100
Irvine, California 92614
Telephone: (949) 851-1100
Facsimile: (949) 851-1212

14 Attorneys for Defendant
15 7-ELEVEN, INC.

16 355749.1

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[PROPOSED] ORDER GRANTING APP. OF ERIC A. WELTER TO APPEAR PRO HAC VICE

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ASAP CORPORATE SVCS

PAGE 20

FILED**PROOF OF SERVICE**

SEP 12 2007

Kimberly Aleksick v. 7-Eleven, Inc., et al.

STATE OF CALIFORNIA, COUNTY OF ORANGE

SUPERIOR COURT
IMPERIAL COUNTY CA.
JOSE O. GUILLEN, CLERK
BY *[Signature]* DEPUTY

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On July 12, 2007, I served the following document(s) described as [PROPOSED] ORDER GRANTING APPLICATION OF ERIC A. WELTER TO APPEAR AS COUNSEL PRO HAC VICE on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

William B. Sullivan, Esq.
Eric J. Palmer, Esq.
SULLIVAN & CHRISTIANI, LLP
2330 Third Avenue
San Diego, CA 92101
Tel: (619) 702-6760
Fax: (619) 702-6761

Attorneys For PLAINTIFF
KIMBERLY ALEKSICK

☒ (BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.

☐ (By Personal Service) I delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.

☐ (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), calling for agreement and written confirmation of that agreement or court order, to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.

☐ (By Overnight Courier) served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 12, 2007, at Irvine, California.

[Signature]
LAURA NIEDRINGHAUS

362342.1

PROOF OF SERVICE

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

EXHIBIT T

9/25

SUPERIOR COURT OF CALIFORNIA COUNTY OF IMPERIAL	FOR COURT USE ONLY FILED SEP 25 2007 BY: <i>[Signature]</i> JOSH A. COLLEN, CLERK DEPUTY
Plaintiff/Petitioner: Kimberly Aleksick Defendant/Respondent: 7 Eleven Inc., et al.	CASE NO. ECU03615
CASE MANAGEMENT ORDER	

The court has reviewed the case management statement(s) of ☐ Plaintiff(s) ☐ Defendant(s)
☐ Cross-complainant(s) ☐ Cross-defendant(s) ☐ Other: _____

The Court orders/finds:

- ☐ The case management conference scheduled herein is vacated.
☐ The case management conference was held on _____.
☒ The case management conference is continued to 12/21/2007 at 8:30am in Department 7.

☐ CASE DESIGNATION:

☐ The court finds that the case is amenable to disposition within ☐ 12 months ☐ 18 months ☐ 24 months of the filing of the Complaint.

☐ The court finds that the case is exempt from differential case management pursuant to California Rules of Court, Rule 209(d).

☐ ARBITRATION:

- ☐ The court finds that the case is amenable to arbitration. The case is referred to arbitration, with arbitration to be completed by _____.
☐ The court finds the case to be exempt from arbitration.

☐ TRIAL:

☐ The matter is set for a ☐ jury ☐ court trial on _____. A jury trial is demanded by ☐ plaintiff(s) ☐ defendant(s) ☐ Other: _____.

☐ A Settlement Conference shall be held on _____.

☐ A Trial Management Conference is set for _____.

☐ The case is not ready to be set for trial because:

☐ All parties have not appeared or been defaulted.

☐ Other: _____.

☐ Other: _____.

IT IS SO ORDERED.

Dated: 9-25-07 *[Signature]*
 JUDGE OF THE SUPERIOR COURT

Declaration of Mailing

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)

I am a citizen of the United States over the age of 18 years, a resident of Imperial County and not a party to the within action. My business address is:

**SUPERIOR COURT, COUNTY OF IMPERIAL
939 WEST MAIN STREET
EL CENTRO, CA 92243**

On September 25, 2007, I served a copy of the attached: Case Management Order by placing a true copy thereof enclosed in a sealed envelope with postage fully paid thereon, in the United States mail at El Centro, California, addressed as follows:

William B. Sullivan, Esq.
2330 Third Avenue
San Diego, CA 92101

Paul C. Johnson, Jr., Esq.
402 West Broadway
24th Floor
San Diego, CA 92101

Lindley P. Fraley, Esq.
4 Park Plaza
Suite 1100
Irvine, CA 92614

Eric A. Welter, Esq.
720 Lynn Street
Suite B
Herndon, VA 20170

I declare under penalty of perjury that the foregoing is true and correct. Executed at El Centro, California on September 25, 2007.

Jose O. Guillen, Court Executive Officer



Regina Osuna, Deputy Clerk

EXHIBIT U

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Eric A. Welter [VA SBN 38193] Welter Law Firm, P.C. 720 Lynn Street, Suite B Herndon, Virginia 20170 TELEPHONE NO.: (703) 435-8500 FAX NO. (Optional): (703) 435-8851		FOR COURT USE ONLY	
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant, 7-Eleven, Inc.			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 939 West Main Street MAILING ADDRESS: CITY AND ZIP CODE: El Centro, CA 92243 BRANCH NAME: Imperial County Courthouse			
PLAINTIFF/PETITIONER: Kimberly Aleksick DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.			
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)			
		CASE NUMBER: ECU 03615	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: December 21, 2007 Time: 8:30 am Dept.: 7 Div.: Room: Address of court (if different from the address above):			

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - ☒ This statement is submitted by party (name): 7-Eleven, Inc.
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date):
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - ☐ The following parties named in the complaint or cross-complaint
 - ☐ have not been served (specify names and explain why not):
 - ☐ have been served but have not appeared and have not been dismissed (specify names):
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
- Description of case
 - Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
 Class Action lawsuit alleging violations of the California Labor Code and Business & Professions Code section 17200.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date (indicate source and amount), estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Plaintiff claims violations of California Labor Code and Business & Professional Code section 17200 in the alleged failure of her employer, Michael Tucker, to provide meal/rest break, overtime, and uniform reimbursement.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 8 - 10 days
- b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☐ has ☒ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 14a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
- Motion for summary adjudication and/or summary judgment on issue of employer status.

CM-110

PLAINTIFF/PETITIONER: Kimberly Aleksick	CASE NUMBER:
DEFENDANT/RESPONDENT: 7-Eleven, Inc., et al.	ECU 03615

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

Party
7-Eleven

Description
Deposition of Plaintiff

Date
March 1, 2008

- c. ☐ The following discovery issues are anticipated (specify):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

19. Other issues

- ☒ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

Continue case management conference until after filing of plaintiff's amended complaint.

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

21. Case management orders

Previous case management orders in this case are (check one): ☒ none ☐ attached as Attachment 21.


22. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: 12-4-07

Eric A. Welte

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

PROOF OF SERVICE
(Aleksick v. 7-Eleven, Inc., et al.)

STATE OF VIRGINIA, COUNTY OF FAIRFAX

I am employed in the County of Fairfax, Commonwealth of Virginia. I am over the age of 18 and not a party to the within action. My business address is 720 Lynn Street, Suite B, Herndon, Virginia 20170.

On December 4, 2007, I served the following documents described as **CASE MANAGEMENT STATEMENT** on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

William B. Sullivan, Esq.
SULLIVAN & CHRISTIANI, LLP
 2330 Third Avenue
 San Diego, CA 92101
 Tel. 619-702-6760 Fax 619-702-6761

Daniel Bacalski, Esq.
 Paul C. Johnson, Esq.
BACALSKI, OTTOSON & Dubé LLP
 402 West Broadway, 24th Floor
 P.O. Box 120270
 San Diego, CA 92112-0270
 Tel. 619-239-4340 Fax 619-239-0116

Eric C. Sohlgren, Esq.
 Lindley Fraley, Esq.
PAYNE & FEARS LLP
 4 Park Plaza, Suite 1100
 Irvine, CA 92614
 Tel. 949-851-1100 Fax 949-851-1212

☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

☐ I deposited such envelope in the mail at Herndon, Virginia. The envelope was mailed with postage thereon fully prepaid.

☒ I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Herndon, Virginia in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FACSIMILE) By sending a true copy thereof by facsimile machine to the numbers listed below, and then depositing for collection and mailing, following ordinary business practices.

☐ (BY OVERNIGHT DELIVERY) By sending a true copy thereof, enclosed in a sealed envelope, to be delivered via overnight mail courier.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 4, 2007, at Herndon, Virginia.


 ERICA ROSNER

PAYNE & FEARS LLP
 ATTORNEYS AT LAW
 4 PARK PLAZA, SUITE 1100
 IRVINE, CA 92614
 (949) 851-1100

PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

PAYNE & FEARS LLP
Attorneys at Law
Eric C. Sohlgren, Bar No. 161710
4 Park Plaza, Suite 1100
Irvine, CA 92614

Telephone: (949) 851-1100
Facsimile: (949) 851-1212

WELTER LAW FIRM, P.C.
Eric A. Welter, Virginia Bar No. 38193
720 Lynn Street, Suite B
Herndon, Virginia 20170
Telephone: 703-435-8500
Facsimile: 703-435-8851

Attorneys for Defendant
7-ELEVEN, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF IMPERIAL

KIMBERLY ALEKSICK, individually and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

7-ELEVEN, INC., a Texas Corporation;
MICHAEL TUCKER; an individual; and DOES
1-50, Inclusive.,

Defendants.

CASE NO. ECU03615

Assigned for All Purposes to:
Hon. Christopher W. Yeager, Department 7

**NOTICE OF INTENT TO APPEAR
TELEPHONICALLY**

Date Action Filed: April 16, 2007
Date: December 21, 2007
Time: 8:30 a.m.
Dept. 7

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the undersigned intends to appear by telephone for the Case
Management Conference set on December 21, 2007, at 8:30 a.m., in Department 7, of the Imperial
County Superior Court. Please see CourtCall Confirmation attached hereto.

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DATED: December 4, 2007

WELTER LAW FIRM, P.C.

By: 

ERIC A. WELTER

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Attorneys for Defendant
7-ELEVEN, INC.

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PAYNE & FEARS LLP

ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 861-1100

[illegible]

Mandatory Instructions For Making A CourtCall® Appearance

1. IT IS COUNSEL'S RESPONSIBILITY TO DIAL INTO THE CONFERENCE AT LEAST FIVE MINUTES PRIOR TO THE SCHEDULED APPEARANCE TIME. COURTCALL DOES NOT CALL COUNSEL! If you are unavoidably late and the Court is already in session, you must wait for an appropriate moment to announce yourself. Do not interrupt the Judge.

NEVER PLACE THE CONFERENCE ON HOLD. CELLULAR AND PAYPHONES ARE STRICTLY PROHIBITED.

2. When speaking with the Court, always talk directly into the handset and state your name clearly each time you speak. DO NOT USE YOUR SPEAKERPHONE as it may compromise the quality of the call for ALL participants, including the Court.

3. When you place your call, you must be in a **QUIET AREA**. Give the Court your absolute undivided attention. All background noise must be eliminated (i.e. cell phones, pagers, intercoms, typing, paper shuffling, dogs barking, babies crying, etc.) Your attention must be focused solely on the Court and you should refrain from making any unnecessary noise or engaging in conversations with others. Disruptions on the conference line will not be tolerated by the Court.

4. Once you have dialed into the conference you may be checked in by an operator or a clerk, alternatively, you may not be addressed until the Court calls your specific case. Listen carefully to the Court proceedings as the Court may make general observations applicable to all matters which will not be repeated.

***** The Court expects you to act professionally and failure to adhere to these instructions may result in the termination of your call or the entire conference, sanctions for a non-appearance or an order for counsel to appear in Court at the next session or such other consequences the Court deems appropriate, as well as withdrawing the privilege of appearing telephonically in the future.*****

Continuances - It is counsel's responsibility to notify CourtCall, in writing, of any continuance prior to the scheduled hearing date to have your fee apply to the continued hearing as the Court will not notify CourtCall of any continuance of your matter. Matters continued at the time of the hearing require a new form and a new fee for the continued date.

Cancellations - To cancel a CourtCall Appearance, fax a copy of your Confirmation marked "Canceled" to 310-743-1850, prior to the scheduled appearance date. CourtCall does not accept verbal cancellations. *Stop writing checks or tracking credit card charges, open a CourtCall debit account and receive a monthly ledger identifying each CourtCall Appearance. Please call our office for details. Our address is CourtCall LLC, 6383 Arizona Circle, Los Angeles, CA 90045.*

Eric Walter

CONFIRMATION FOR COURTCALL® TELEPHONIC APPEARANCE

Our Tax ID# 95-4568415

Exhibit U, Page 119

PROOF OF SERVICE
(Aleksick v. 7-Eleven, Inc., et al.)

STATE OF VIRGINIA, COUNTY OF FAIRFAX

I am employed in the County of Fairfax, Commonwealth of Virginia. I am over the age of 18 and not a party to the within action. My business address is 720 Lynn Street, Suite B, Herndon, Virginia 20170.

On December 4, 2007, I served the following documents described as **NOTICE OF INTENT TO APPEAR TELEPHONICALLY** on all interested parties in this action by placing [X] a true copy [] the original thereof enclosed in sealed envelopes addressed as follows:

William B. Sullivan, Esq.
 SULLIVAN & CHRISTIANI, LLP
 2330 Third Avenue
 San Diego, CA 92101
 Tel. 619-702-6760 Fax 619-702-6761

Daniel Bacalski, Esq.
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Eric C. Sohlgren, Esq.
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[X] (BY MAIL, 1013a, 2015.5 C.C.P.)

[] I deposited such envelope in the mail at Herndon, Virginia. The envelope was mailed with postage thereon fully prepaid.

[X] I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Herndon, Virginia in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] (BY FACSIMILE) By sending a true copy thereof by facsimile machine to the numbers listed below, and then depositing for collection and mailing, following ordinary business practices.

[] (BY OVERNIGHT DELIVERY) By sending a true copy thereof, enclosed in a sealed envelope, to be delivered via overnight mail courier.

[X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 4, 2007, at Herndon, Virginia.


 ERICA ROSNER

PAYNE & FEARS LLP

ATTORNEYS AT LAW
 4 PARK PLAZA, SUITE 1100
 IRVINE, CA 92614
 (949) 851-1100

EXHIBIT V

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul C. Johnson, Jr. (SBN 189311) Bacalski, Ottoson & Dube, LLP 402 West Broadway, 24th Floor San Diego, CA 92101 TELEPHONE NO.: 619-239-4340 FAX NO. (Optional): 619-239-0116 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant, Michael Tucker SUPERIOR COURT OF CALIFORNIA, COUNTY OF El Centro STREET ADDRESS: 939 Main Street MAILING ADDRESS: CITY AND ZIP CODE: El Centro, CA 92243 BRANCH NAME: Imperial County Courthouse PLAINTIFF/PETITIONER: KIMBERLY ALEKSICK DEFENDANT/RESPONDENT: 7-ELEVEN, INC., et al.,	FOR COURT USE ONLY
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: ECU 03615

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: December 21, 2007 Time: 8:30 a.m. Dept.: 7 Div.: Room:

Address of court (if different from the address above):
939 Main Street, El Centro, Ca. 92243**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. Party or parties (answer one):

- a. ☒ This statement is submitted by party (name): Defendant, Michael Tucker
- b. ☐ This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)

- a. The complaint was filed on (date):
- b. ☐ The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)

- a. ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
- b. ☐ The following parties named in the complaint or cross-complaint
- (1) ☐ have not been served (specify names and explain why not):
- (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
- (3) ☐ have had a default entered against them (specify names):
- c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. Description of case

- a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
 Class Action lawsuit alleging violations of the California Labor Code and Business & Professions Code section 17200.